

FIRST REGULAR SESSION

# SENATE BILL NO. 564

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SMITH, KENNEDY, SHIELDS, KOSTER,  
GRIESHEIMER, RIDGEWAY, GRAHAM AND LOUDON.

Read 1st time February 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2183S.011

## AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to entities that may operate charter schools.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 160.400, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 160.400, to read as follows:

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district  
3 or in an urban school district containing most or all of a city with a population  
4 greater than three hundred fifty thousand inhabitants and may be sponsored by  
5 any of the following:

6 (1) The school board of the district;

7 (2) A public four-year college or university with its primary campus in the  
8 school district or in a county adjacent to the county in which the district is  
9 located, with an approved teacher education program that meets regional or  
10 national standards of accreditation;

11 (3) A community college located in the district; [or]

12 (4) Any private four-year college or university **with its primary campus**  
13 **in the school district or in a county adjacent to the county in which the**  
14 **district is** located [in a city not within a county] with an enrollment of at least  
15 one thousand students, and with an approved teacher preparation program; **or**

16 (5) **The mayor of a city not within a county.**

17 3. [The mayor of] **In** a city not within a county [may request a sponsor  
18 under subdivision (2), (3), or (4) of subsection 2 of this section to consider  
19 sponsoring a], **charter schools also include** workplace charter [school]

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 **schools**, which [is] **are** defined for purposes of sections 160.400 to 160.420 as a  
21 charter school with the ability to target prospective students whose parent or  
22 parents are employed in a business district, as defined in the charter, which is  
23 located in the city.

24 4. No sponsor shall receive from an applicant for a charter school any fee  
25 of any type for the consideration of a charter, nor may a sponsor condition its  
26 consideration of a charter on the promise of future payment of any kind.

27 5. The charter school shall be a Missouri nonprofit corporation  
28 incorporated pursuant to chapter 355, RSMo. The charter provided for herein  
29 shall constitute a contract between the sponsor and the charter school.

30 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,  
31 the charter school shall select the method for election of officers pursuant to  
32 section 355.326, RSMo, based on the class of corporation selected. Meetings of  
33 the governing board of the charter school shall be subject to the provisions of  
34 sections 610.010 to 610.030, RSMo, the open meetings law.

35 7. A sponsor of a charter school, its agents and employees are not liable  
36 for any acts or omissions of a charter school that it sponsors, including acts or  
37 omissions relating to the charter submitted by the charter school, the operation  
38 of the charter school and the performance of the charter school.

39 8. A charter school may affiliate with a four-year college or university,  
40 including a private college or university, or a community college as otherwise  
41 specified in subsection 2 of this section when its charter is granted by a sponsor  
42 other than such college, university or community college. Affiliation status  
43 recognizes a relationship between the charter school and the college or university  
44 for purposes of teacher training and staff development, curriculum and  
45 assessment development, use of physical facilities owned by or rented on behalf  
46 of the college or university, and other similar purposes. The primary campus of  
47 the college or university must be located within the county in which the school  
48 district lies wherein the charter school is located or in a county adjacent to the  
49 county in which the district is located. A university, college or community college  
50 may not charge or accept a fee for affiliation status.

51 9. The expenses associated with sponsorship of charter schools shall be  
52 defrayed by the department of elementary and secondary education retaining one  
53 and five-tenths percent of the amount of state and local funding allocated to the  
54 charter school under section 160.415, not to exceed one hundred twenty-five  
55 thousand dollars, adjusted for inflation. Such amount shall not be withheld when

56 the sponsor is a school district or the state board of education. The department  
57 of elementary and secondary education shall remit the retained funds for each  
58 charter school to the school's sponsor, provided the sponsor remains in good  
59 standing by fulfilling its sponsorship obligations under sections 160.400 to  
60 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

61 10. No university, college or community college shall grant a charter to  
62 a nonprofit corporation if an employee of the university, college or community  
63 college is a member of the corporation's board of directors.

64 11. No sponsor shall grant a charter under sections 160.400 to 160.420  
65 and 167.349, RSMo, without ensuring that a criminal background check and child  
66 abuse registry check are conducted for all members of the governing board of the  
67 charter schools or the incorporators of the charter school if initial directors are  
68 not named in the articles of incorporation, nor shall a sponsor renew a charter  
69 without ensuring a criminal background check and child abuse registry check are  
70 conducted for each member of the governing board of the charter school.

71 12. No member of the governing board of a charter school shall hold any  
72 office or employment from the board or the charter school while serving as a  
73 member, nor shall the member have any substantial interest, as defined in  
74 section 105.450, RSMo, in any entity employed by or contracting with the board.  
75 No board member shall be an employee of a company that provides substantial  
76 services to the charter school. All members of the governing board of the charter  
77 school shall be considered decision-making public servants as defined in section  
78 105.450, RSMo, for the purposes of the financial disclosure requirements  
79 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

80 13. A sponsor shall provide timely submission to the state board of  
81 education of all data necessary to demonstrate that the sponsor is in material  
82 compliance with all requirements of sections 160.400 to 160.420 and 167.349,  
83 RSMo.

84 14. The state board of education shall ensure each sponsor is in  
85 compliance with all requirements under sections 160.400 to 160.420 and 167.349,  
86 RSMo, for each charter school sponsored by any sponsor. The state board shall  
87 notify each sponsor of the standards for sponsorship of charter schools,  
88 delineating both what is mandated by statute and what best practices  
89 dictate. The state board, after a public hearing, may require remedial action for  
90 a sponsor that it finds has not fulfilled its obligations of sponsorship, such  
91 remedial actions including withholding the sponsor's funding and suspending for

92 a period of up to one year the sponsor's authority to sponsor a school that it  
93 currently sponsors or to sponsor any additional school. If the state board removes  
94 the authority to sponsor a currently operating charter school, the state board  
95 shall become the interim sponsor of the school for a period of up to three years  
96 until the school finds a new sponsor or until the charter contract period lapses.

✓

Unofficial

Bill

Copy